

BOARD OF APPEALS CASE NO. 4707

APPLICANT: Hanson II, LLC

REQUEST: Variances to locate a
billboard in the B3 District;
1013 Woodbridge Center Way, Edgewood

HEARING DATE: June 25, 1997

BEFORE THE

ZONING HEARING EXAMINER

OF HARFORD COUNTY

Hearing Advertised

Aegis: 5/14/97 & 5/21/97

Record: 5/16/97 & 5/23/97

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ZONING HEARING EXAMINER'S DECISION

The Applicant is Hanson II, LLC. The Applicant is requesting a variance to Section 219-15(B) of the Harford County Code to permit a sign less than the required 10 feet above grade, less than 25 feet from the road right-of-way, and less than the required 100 feet from a road intersection in a B3 District.

The subject parcel is located at 1013 Woodbridge Center Way in the First Election District. The parcel is identified as Parcel No. 1044, in Grid 2-D, on Tax Map 65. The parcel contains .99 acres, more or less, all of which is zoned B3.

Mr. Morris Wolf appeared on behalf of the Applicant and qualified as an expert real estate development. Mr. Wolf testified that the subject property known as Lot 16 and the adjoining property known as Lot 14 comprised the Woodbridge Station Shopping Center. He testified that both lots are owned and managed by the same entity and for all intents and purposes are one parcel, but the parcels have not been combined and are separate lots.

Mr. Wolf testified that there are identical free-standing directory signs located on each lot. The witness testified that he was unaware that the sign on Lot 16, which advertises uses on Lot 14 transferred the approved sign on Lot 16 into a billboard sign, which required a variance from the Code.

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Mr. Wolf testified that, in his opinion, visibility from U.S. Route 40 is necessary for the success of uses conducted on Lot 14 and he pointed out that Lot 14 is set back from U.S. Route 40 so that the free-standing directory sign located on Lot 14 is not easily visible to motorists traveling on U. S. Route 40. Mr. Wolf testified that granting the requested variance would not adversely impact anyone and he pointed out that the area where the subject property is located is zoned for and developed with commercial uses. He also pointed out that the existing sign has not caused adverse impact and he said that he had reviewed the Staff Report prepared by the Department of Planning and Zoning and indicated that both conditions recommended by the Staff are acceptable to him.

Mr. Roy Eppard appeared and testified that he was representing a business on an adjacent parcel. After Mr. Eppard determined that the Applicant had no intention of constructing an additional sign and that the requested variance was for the existing signs, he indicated that he was not opposed to the request.

The Staff Report of the Department of Planning and Zoning recommends conditional approval.

CONCLUSION:

The Applicant is requesting a variance to Section 219-15(B) of the Harford County Code to permit a sign less than the required 10 feet above grade level (the Applicant is proposing 2 feet), less than the required 25 feet from the road right-of-way (the Applicant is proposing 9 feet), and less than 100 feet from a road intersection (the Applicant is proposing 90 feet).

Section 219-15(B) provides:

"Billboards shall not be permitted to be located within 300 feet of any public square or the entrance to any public park, public, private or parochial school, library, church or similar institution. All such signs shall be set back from the front property line the distance required for a principal building in the zoning district in which located. No billboards shall be permitted to be erected within 100 feet of a road intersection unless the base of the sign is not less than 10 feet above grade level or road surface, whichever is higher. No billboard shall be erected within 660 feet of any highway which is part of the interstate highway system."

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The uncontradicted testimony of Mr. Morris Wolf was that the subject property has exception circumstances unique to it in that it is part of the Woodbridge Station Shopping Center, separated by Lot 14 by a paper lot line. For all intents and purposes, the two lots constitute one parcel. Lot 14 is set back from U.S. Route 40 such a distance that the freestanding sign located on Lot 14 is not visible to motorists traveling on U.S. Route 40. No other commercially reasonable means to advertise users of Lot 14 to those motorists exists except for the subject sign located on Lot 16. The existing sign meets all requirements for a freestanding sign and no evidence was introduced of an adverse impact from the sign. It is only the addition of the name panels for uses located on Lot 14 which transfer the sign from a permitted freestanding directory sign to a billboard sign under the Code that makes the variance necessary. The sign itself will not change. It does not appear that approval of the variance will impair the purpose and provisions of the Sign Code because no changes to the sign will take place and the freestanding sign which is presently located on the parcel is otherwise permitted.

It is the finding of the Hearing Examiner that unique circumstances exist that denial of the variance would cause practical difficulty to the Applicant as set forth in the testimony of the Applicant's expert witness. Further, it is the finding of the Hearing Examiner that approval of the variance will not impair the purpose and provisions of the Sign Code.

Therefore, it is the recommendation of the Hearing Examiner that the requested variance be approved, subject to the following conditions:

1. The Applicant shall revise the existing sign permit to include the billboard sign.
2. Sign permits will be required for any additions placed on the sign for the vacant stores in the buildings on Lot 14.

Date JULY 17, 1997



L. A. Hinderhofer
Zoning Hearing Examiner